

## JANSSON, SHUPE, MUNGER &amp; ANTARAMIAN, LTD.

INTELLECTUAL PROPERTY LAW

PETER M. JANSSON  
JOHN E. MUNGER  
EDWARD R. ANTARAMIAN  
RICHARD W. WHITE  
JOHN W. BARN  
MOLLY HOGAN MCKINLEY  
MATTHEW M. FANNIN  
LARRY L. SHUPE (OF COUNSEL)

NOT ADMITTED IN ILLINOIS

WWW.JANLAW.COM

RECEIVED  
CENTRAL FAX CENTER  
FEB 08 2006

REPLY TO:

WISCONSIN OFFICE

245 MAIN STREET  
RACINE, WI 53403  
PHONE: 262/632-0900  
FAX: 262/632-2257

ILLINOIS OFFICE

207 EAST WESTMINSTER  
LAKE FOREST, IL 60048  
PHONE: 847/263-0900  
FAX: 847/263-0901

## Facsimile Cover Sheet

To:	From:
Name: <u>Richard A. Smith</u>	Name: <u>Richard W. White...</u>
Firm: <u>USPTO</u>	
Fax No. <u>571-273-8300</u>	Pages: <u>14</u>
Date: <u>February 8, 2006</u>	Fax No. <u>262-632-2257</u>

If transmission is impaired, please call (262) 632-6900.

## Confirmation Will Not Follow by Mail

Message: Re: Application ~~10/836,853~~ 101826853  
Filing Date: April 16, 2004  
First Named: Thomas P. Foran  
Group Art Unit: 2859  
Attorney Docket Number: EMP-133US

Please deliver this communication to  
Examiner Richard A. Smith, Group Art Unit  
2859. Thank you.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via the U.S. Postal Service.

INTELLECTUAL PROPERTY LAW AND LITIGATION  
PATENTS • TRADEMARKS • COPYRIGHTS

BEST AVAILABLE COPY

Doc

PTO/SB/21 (05-04)


Approved for use through 07/31/2008. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/826,853
	Filing Date	April 16, 2004
	First Named Inventor	Thomas P. Foran
	Art Unit	2839
	Examiner Name	Richard A. Smith
Total Number of Pages in This Submission	Attorney Docket Number	EMP-133US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation/Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Amendment Transmittal Letter Certificate of Facsimile Transmission
Remarks		

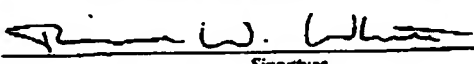
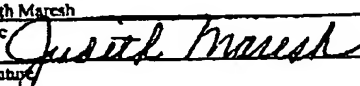
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Jansson, Shupe, Manger & Antaramian, Ltd.		
Signature			
Printed name	Richard W. White		
Date	February 8, 2006	Reg. No.	50,601

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO as deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Judith Marsh	Date	February 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**BEST AVAILABLE COPY**

<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>				Docket No. EMP-133US	
Applicant(s): Thomas P. Foran					
Application No. 10/826,853	Filing Date April 16, 2004	Examiner Richard A. Smith	Customer No. 24314	Group Art Unit 2859	Confirmation No. 2086
Invention: <b>OVERMOLDED VIAL FOR USE WITH A LEVEL</b>				<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>FEB 08 2006</b>	
<b>COMMISSIONER FOR PATENTS:</b>					
Transmitted herewith is an amendment in the above-identified application.					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	18	21	0	x \$25.00	\$0.00
INDEP. CLAIMS	3	4	0	x \$100.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 10-0270 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
 Signature Richard W. White, Reg. No. 50,601 Jansson, Shupe, Munger & Antaramian, Ltd. 245 Main Street Racine, WI 53403			Dated: February 8, 2006  <b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:  Judith Maresh Name  Signature Date 2/8/06		
cc:					

P11SMALL/REV09

**BEST AVAILABLE COPY**

FEB 08 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Thomas P. Foran

Serial No. 10/826,853

Filed: April 16, 2004

Title: OVERMOLDED VIAL  
FOR USE WITH A LEVEL)  
)  
)  
) Group Art Unit: 2859  
)  
) Examiner: Richard A. Smith  
)  
)  
)Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

INTRODUCTORY COMMENTS

In response to the Office Action mailed on November 17, 2005, please consider the remarks that follow:

Amendment to the Claims is reflected in the listing of claims beginning on page 2 of this paper.

Remarks begin on page 6 of this paper.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

Judith Maresh

Name

Signature

2/8/06  
Date

BEST AVAILABLE COPY